



Hendry County Sheriff's Office

General Order 1.4

TITLE: Levels of Resistance	SHERIFF'S APPROVAL: Digital
ORIGINATION DATE: July 30, 2018	REVISION DATE: May 7, 2019
RELATED REFERENCES: §112.532 F.S., §776.05 F.S.	
CFA: 4.01M, 4.04M, 4.07M, 4.08M, 4.09M, 15.15M	
REVIEW FREQUENCY: 3 YEARS 2022	DATE OF NEXT REVIEW: May 7, 2022

I. PURPOSE: To establish guidelines for the proper use of discretion by members of this agency.

II. SCOPE: This order shall apply to all sworn/certified sheriff's office members and select civilian members.

III. POLICY: It is the policy of the Hendry County Sheriff's Office to allow and encourage the proper use of discretion by members in the performance of their duties. Use of discretion must be within the limits of legal, ethical and moral behavior, and as established by the policies and procedures of this agency. All Sheriff's Office personnel shall familiarize themselves with Florida State Statute 776, Justifiable Use of Force, and insure their knowledge and application of the Statute in both Non-Deadly and Deadly Force issues.

IV. PROCEDURE:

Guidelines are established for all sworn personnel concerning response to resistance, reflecting agency philosophy, Florida Statute 776.05, and established Florida Department of Law Enforcement Standards. A deputy sheriff is expected to select effective, reasonable and legal force options in a verbal or physical encounter.

A. Response to Resistance

1. As a person increases his/her resistance level from verbal to physical, a deputy may have to increase the level of his/her response until the resistance ceases and the deputy is able to gain control of the person. As soon as the point of the person's compliance is reached, the deputy must de-escalate his/her response level to the minimum force necessary to control the person and accomplish the law enforcement objective. The level of force applied must be objectively reasonable based on the totality of circumstances (articulable facts) surrounding the immediate situation. The deputy need only select a response that is within the range of 'objectively reasonable' options. Deputies must rely on their training, experience and assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgment will dictate the force option to be employed.

B. Totality of the Circumstances

1. The deputy's use of force will be based on the totality of the circumstances known to the deputy at the time of the incident. There are several factors used in determining the totality of the circumstances. These include but are not limited to:
 - a. Severity of the crime
 - b. Subject is an immediate threat

- c. Subject's mental or psychiatric history, if known to the deputy
- d. Subject's violent history, if known to the deputy
- e. Subject's combative skills
- f. Subject's access to weapons
- g. Innocent bystanders who could be harmed
- h. Number of subjects versus number of deputies
- i. Duration of confrontation
- j. Subject's size, age, weight, and physical condition
- k. Deputy's size, age, weight, physical condition, and defensive tactics expertise
- 1. Environmental factors, such as physical terrain, weather conditions, etc.

C. Resistance Levels

- 1. Passive Resistance - A subject's verbal and/or physical refusal to comply with a deputy's lawful direction that causes the deputy to use physical techniques to establish control; non-verbal cues in attitude, appearance, demeanor or posture that indicates an unwillingness to cooperate or a threat. Examples of passive resistance:
 - a. The subject refuses to move at the deputy's direction
 - b. Clinching and unclenching hands
 - c. Stretching motions and looking around the area
 - d. The subject peacefully protests at a political event in a public location
 - e. The subject refuses to take his hands out of his pockets or from behind his back
- 2. Active Resistance - A subject's use of physically evasive movements directed toward the deputy such as bracing, tensing, pushing, or pulling to prevent the deputy from establishing control over the subject. Subject is evading control without trying to injure the deputy. Examples of active resistance:
 - a. The subject physically anchors himself/herself to a person or object to prevent him/her from being removed.
 - b. The subject braces or pulls away from the deputy when the deputy grips the subject's arm.
 - c. The subject attempts to run when the deputy touches or attempts to gain control of the subject's arm or shoulder.
- 3. Aggressive Resistance - A subject's attacking movements toward a deputy that may cause injury but are not likely to cause death or great bodily harm to the deputy or others. Examples of aggressive resistance:
 - a. The subject balls up his fist and approaches the deputy.
 - b. The subject takes a bladed stance while threatening the deputy.
 - c. The subject pushes the deputy back as the deputy tries to take the subject into custody.

- d. The subject grabs any part of the deputy's body.
- 4. Deadly Force - A subject's hostile, attacking movements, with or without a weapon, that create a reasonable perception by the deputy that the subject intends to cause and has the capability of causing death or great bodily harm to the deputy or others. Examples of deadly force resistance:
 - a. A subject shoots or points a gun at a deputy or other person.
 - b. A subject refuses to drop a knife when ordered to by the deputy and moves toward the deputy.
 - c. A subject tries to run a deputy down in a vehicle.
 - d. A subject attacks a deputy, either standing or on the ground, and the deputy reasonably believes their life is endangered.

D. Deputy Response Options

Command presence and verbal communication often will defuse many volatile situations. Sometimes, however, these are not enough or the deputy may not have an opportunity to use them. A deputy may have to use physical force to gain control of the situation. Physical force includes physical control, the use of non-lethal weapons, and deadly force. Deputies need not apply force in gradually increasing steps in order to justify physical control or even deadly force. Instead, deputies need to respond with all the force reasonably necessary for the circumstances in each specific situation.

- 1. Physical Control
 - a. Achieving compliance or custody through the use of empty-hand or leverage-enhanced techniques, such as pain compliance, transporters, restraint devices, takedowns, lateral vascular neck restraint, and striking techniques.
- 2. Non-lethal Weapon
 - a. A non-lethal weapon is not fundamentally designed to cause death or great bodily harm. Some examples of non-lethal weapons include conducted electrical weapons (CEWs), expandable batons, flashlights, chemical agent sprays, or other weapons of opportunity.
- 3. Deadly Force
 - a. Deadly force means force that is likely to cause death or great bodily harm.
- 4. Warning shots are not authorized.
- 5. Deputy/Law Enforcement Involved Shootings
 - a. **Law enforcement involved shootings defined:** Any shooting involving a law enforcement officer, on or off duty that was an attempt to utilize deadly force against a person. The shooting does not have to result in a person being injured or killed by the officer, or that the officer is injured or killed by a perpetrator during the lawful commission of his/her duties.
 - b. The Criminal Investigations Unit investigates law enforcement shootings for municipal agencies within Hendry County whose agency representative makes a request and is authorized by the Sheriff. Law enforcement employees are provided the rights set forth in their respective collective bargaining contracts and/or Florida Statute 112.532.
 - c. The Sheriff reserves the right to request that members of the Florida Department of Law Enforcement assume investigative responsibility for a law enforcement shooting. When a law enforcement involved shooting occurs, other involved divisions, units, or personnel will provide

support and resources for the shooting investigation to ensure protection of the crime scene, collection of evidentiary items, and interview of witnesses.

- d. The resulting investigative report is forwarded to the State Attorney for review and determination of statute compliance. Once the State Attorney's response is received, the final report package is forwarded to the Professional Standards Unit.

E. Reporting

1. A Subject Resistance Form and case report are to be completed for the following use of force incidents and forwarded through the chain of command to the district Commander when a deputy:
 - a. Discharges a firearm that does not result in serious bodily injury or death. Exceptions to this reporting requirement are for killing a seriously injured, wounded or dangerous animal when necessary and training or recreational purposes.
 - b. Applies force on a person through the use of lethal or less-lethal weapons.
 - c. Applies weaponless physical force that results in actual or claimed injury whether evident or non-evident.
 - d. Whenever an action is taken by any employee that results in or is alleged to result in injuries causing death or bodily harm to another person.

F. Responsibilities

1. Deputy: Provide for appropriate medical aid to include emergency medical services response after:
 - a. Use of deadly force
 - b. Use of less lethal force, whether injury is actual or claimed
 - c. Use of the conducted Electrical Weapon
 - d. The force used, in the deputy's opinion, was likely to cause injury, whether claimed or not.
 - e. Providing medical aid depending on severity of the apparent or claimed injury, may consist of but is not limited to the following:
 - (1) Increased observation of the suspect to detect changes in physical condition
 - (2) Applying first aid in accordance with basic first aid practices and/or commensurate with the individual deputy's level of formal training, e.g. control bleeding, maintain airway, monitor heart beat.
 - (3) Flushing chemical agents from the suspect's face using water or approved neutralization products
 - (4) Evaluation by emergency medical personnel at the scene or in a suitable controlled environment
 - (5) In cases where the medical condition of a suspect is in doubt or undetermined, request emergency medical personnel to assess the suspect.
 - f. Unless supervisory approval is granted, the deputy completes and submits a Subject Resistance Form and case report to his/her immediate supervisor prior to the end of the shift.
 - g. Photographs will be taken of each suspect involved in the use of force, to include physical areas on the body, regardless of whether an injury is reported. A ruler may be used as a scale to

reference size for each area of concern/injuries. Printed photographs will be attached to the original Subject Resistance form, with the digital images or film processed.

- h. When discharging a firearm for the purpose of killing a seriously injured, wounded or dangerous animal, the deputy will complete an “information only” case report detailing the circumstances surrounding the incident. The case report will be forwarded through that deputy’s chain of command.
2. Immediate Supervisor:
 - a. Ensure the Subject Resistance Form and all required written report(s) are properly completed and submitted by the deputy.
 - (1) Review documentation received from the deputy and complete the documented review and applicable portion of the Subject Resistance Form
 - (2) Complete a supervisor overview on any incident report involving discharging a firearm for the purpose of killing a seriously injured, wounded, or dangerous animal
 - (3) Submit all documentation to the District Commander for review
 - b. Ensure an Employee Injury Report is completed (if applicable).
3. District Commander:
 - a. Review all documentation received from the immediate supervisor and complete the documented review and applicable portion of the Subject Resistance Form.
 - b. Request additional information if deemed necessary and appropriate.
 - c. The District Commander will notify the Chief Deputy and Training Captain of all Response to Resistance.
4. Training Captain:
 - a. Complete a documented annual administrative review and analysis of all Subject Resistance Reports in May of each calendar year and submit to the Sheriff and Chief Deputy. This documented analysis will provide the Sheriff with information to determine patterns/trends, training needs, equipment review and upgrade, and modifications to existing procedures.

G. Administrative Assignment

1. An employee is removed from their primary line of duty assignment and placed on administrative duty or leave during the preliminary administrative review of the following incidents:
 - a. The employee’s response to resistance action results in the death or serious physical injury of a person.
 - b. The employee is involved in a traffic crash that results in or is likely to result in a fatality.
 - c. An employee is involved in a critical or traumatic incident that may impair his/her ability to perform their duties. In these cases, the determination of administrative assignment is made by the Sheriff or Chief Deputy after evaluating the nature and scope of the incident.
2. A completed Subject Resistance Form and case report.
3. A documented review by chain of command is conducted and forwarded to the Professional Standards Unit.

4. The preliminary administrative review is completed by the Professional Standards Unit and the findings provided to the Sheriff or designee.
5. Once the preliminary administrative review is complete, the Sheriff or designee determines if, and when, the employee is placed on administrative duties or returned to full duty. When cleared for regular duty, the employee is given a return to duty notice in writing.

V. Glossary

DEADLY FORCE – Force that is likely to cause death or great bodily harm. Use of deadly force must be based on the deputy's reasonable belief that all other response to resistance options are not feasible or have been exhausted and his/her life, the life of a fellow deputy, or other innocent person is in imminent danger of death or great bodily harm.

DE-ESCALATION – Decreasing the use of force or resistance.

DISENGAGEMENT – Discontinuing a command or physical use of force.

ESCALATION – Increasing the use of force or resistance.

GREAT BODILY HARM – Any threat or action by its nature, that would likely cause permanent disfigurement and/or death.

LESS LETHAL FORCE – A concept of planning and force application, which meets objectives, with less potential for causing death or serious physical injury than conventional tactics.

LESS LETHAL WEAPON – A weapon used for the purpose of compliance, overcoming resistance or preventing serious injury without a significant likelihood of causing death.

NON-DEADLY FORCE – Force that is neither likely nor intended to cause death or serious injury.

PHYSICAL FORCE – Use of control holds and/or other force necessary to effect an arrest without the use of weapons.

REASONABLE BELIEF – Knowledge sufficient for an ordinary and prudent person under the circumstances, to believe criminal activity is at hand or that a certain condition exists.

SUBJECT RESISTANCE FORM – An electronic form used to document details of any response to resistance.

Your electronic signature in Power DMS acknowledges you have read this policy and understand it.